

Salem City Board of Education District Policy Manual

Administration

Series 2000

Nondiscrimination / Affirmative Action

Policy 2224

Date Adopted: June 12, 2002

Date Revised: March 28, 2007, June 11, 2014

Page 1 of 4

Date Reviewed & Approved: July 11, 2018

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

The Salem City Board of Education will continue to support its Affirmative Action Resolution and implement the district's equal educational opportunity policy, school and classroom practices plan and contract/employment practices plan in accordance with law and regulation.

The Board authorizes the Superintendent of Schools to develop and implement a comprehensive equity plan as mandated by the New Jersey Department of Education to ensure that the district provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination and impermissible isolation in policies, practices and facilities of the district. Upon approval of this plan by the state department of education, the Board shall adopt it by resolution. A copy of the districts affirmative action/equity plans and self-evaluation of their achievement shall be available in the district office.

Affirmative Action Officer(s)

The Board shall appoint annually a certified member of the staff as Affirmative Action Officer(s) and a 504 Compliance Officer. The Board shall adopt the job description of the Affirmative Action Officer(s), and 504 Compliance Officer, granting to them the responsibility to facilitate, oversee and ensure the development of implementation of school and classroom practices plans, employment and contract practices plan, school and classroom practices plan, school desegregation plan and section 504 plans, as well as related inter-program coordination. The Affirmative Action Officer(s) shall ensure that the district upholds all regulations, codes and law related to equity in the schools.

The Affirmative Action Officer(s) shall monitor compliance with this policy. The name, work location and telephone number of the district Affirmative Action Officer(s) shall annually be made known to staff, pupils and members of the community.

Salem City Board of Education District Policy Manual

Administration

Series 2000

Nondiscrimination / Affirmative Action

Policy 2224

Page 2 of 4

Harassment

The Salem City Board of Education shall maintain an instructional and working environment that is free from harassment of any kind. Administrators and supervisors will make it clear to all staff, pupils and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action in-service programs required by law for all staff.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission of the conduct or communication is made a term or condition of employment;
- B. Submission to, or rejection of the conduct or communication is the basis for decisions affecting employment and assignment;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the school. Harassment by Board Members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the Affirmative Action Officer or building Principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the Superintendent of Schools or Board President. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure, which may result in discipline, up to, and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the Superintendent of Schools/Board. This policy state on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination or harassment will result in appropriate disciplinary action.

Salem City Board of Education District Policy Manual

Administration

Series 2000

Nondiscrimination / Affirmative Action

Policy 2224

Page 3 of 4

School and Classroom Practices

In implementing affirmative action, the district shall:

- A. Identify and correct the denial of equity of educational opportunities for pupils solely on the basis of any classification protected by law;
- B. Continually reexamine and modify, as may be necessary, its school and classroom programs; location and use of facilities; its curriculum development program and its instructional materials; availability of programs for children; and equal access of all eligible pupils to all extracurricular programs.

These topics are included in the pupil and instructional policies or the district of #5145.4 Equal education opportunity, Policy 6121 Nondiscrimination/Affirmative Action, and #6145 Extracurricular activities.

Contract/Employment Practices

The district directs the Superintendent of Schools to ensure that appropriate administrators implement the districts affirmative action policy by:

- A. Adhering to the administrative code on selection of vendors and suppliers, informing vendors and suppliers that their employees are bound by the districts affirmative action policies in their contracts with district staff and pupils;
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner which furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding in-service programs on affirmative action for all staff in accordance with law.

These topics are included in the business and non-instructional operations, and the personnel policies of the district at #3320, #3327.

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling conditions, the district shall, as much as feasible, make facilities accessible to disabled pupils, employees, and members of the community as intended by Section 504 and as specified in the administrative code.

Report on Implementation

The Superintendent of Schools shall devise regulations, including grievance forms and procedures to implement the districts affirmative action policies. He/she shall report to the Board annually on the effectiveness of this policy and implementing procedures.

Salem City Board of Education District Policy Manual

Administration
Nondiscrimination / Affirmative Action

Series 2000
Policy 2224

Page 4 of 4

Legal References

- NJSA 2C:16-1 Bias intimidation
2C:33-4 Harassment
10:5-1 et seq. Law Against Discrimination
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 Sexual discrimination
18A:18A-17 Facilities for handicapped persons
18A:26-1 Citizenship of teachers, etc
18A:26-1.1 Residence requirements prohibited
18A:29-2 Equality of compensation for male and female teachers
18A:37-14 through -19 Harassment, intimidation, and bullying defined
18A:36-20 Discrimination; prohibition
26:8A-1 et seq. Domestic Partnership Act
- NJAC 5:23-7.1 et seq. Barrier free subcode of the uniform construction code
6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services
- Executive Order 11246 as amended
29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended
20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972
42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972
29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973
20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act
42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)
School Board of Nassau County v. Arline, 480 U.S. 273 (1987)
Vinson v. Superior Court of Alameda County, 740 P.2d 404 (Cal. Sup. Ct. 1987)
State v. Mortimer, 135 N.J. 517 (1994)
Taxman v. Piscataway Bd. of Ed. 91 F. 3d 1547 (3d Cir. 1996)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)
L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007),
Comprehensive Equity Plan, New Jersey Department of Education

Possible Cross References

3320, 4111, 4111.1, 4131/4131.1, 4211, 4211.1, 4231, 4231.1, 5145.4, 6121, 6145